

Report Date: April 8, 2022

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Apr 11, 2022**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: James Remington

Case Number: 0980 2:22CR00032-TOR-1

Address of Offender: [REDACTED], Omak, Washington 98841

Name of Sentencing Judicial Officer: The Honorable William G. Young, Senior United States District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, United States District Judge

Date of Original Sentence: March 23, 1999

Original Offense: Bank Robbery, 18 U.S.C. § 2113(a);  
Use of a Firearm During Crime of Violence, 18 U.S.C. § 924(c)(1)Original Sentence: Prison - 300 Months; Type of Supervision: Supervised Release  
TSR - 36 Months

Asst. U.S. Attorney: Daniel Hugo Fruchter Date Supervision Commenced: February 2, 2022

Defense Attorney: Federal Public Defender Date Supervision Expires: February 1, 2025

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**PETITIONING THE COURT****To issue a SUMMONS.**

On February 9, 2022, Mr. James Remington signed his conditions relative to case number 2:22CR00032-TOR-1, indicating he understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<b><u>Mandatory Condition # 2:</u></b> The defendant shall not commit another federal, state, or local crime.
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**Supporting Evidence:** Mr. James Remington is alleged to have violated mandatory condition number 2 by being arrested on April 3, 2022, for the offense of Driving Under the Influence, in violation of R.C.W. 46.61.502, a gross misdemeanor.

Specifically, on April 3, 2022, automated notification was received by the U.S. Probation Office in Spokane, notifying that the client's name had been run by law enforcement. On April 4, 2022, initial reports received indicated, on April 3, 2022, the client had been arrested for driving under the influence. Mr. Remington was subsequently released from custody on April 4, 2022, following his initial scheduled Court hearing.

Prob12C

Re: Remington, James

April 8, 2022

Page 2

On April 5, 2022, both the client's mother and the client were contacted by the undersigned officer. Mr. Remington immediately presented as honest and forthcoming with the undersigned officer, and admitted to drinking a "6 pack" of beer on the day in question, between the hours of approximately 10 a.m. and 3 p.m. Mr. Remington indicated that he did not feel as though had drank to excess or that he was impaired.

On April 6, 2022, Mr. Remington reported to the U.S. Probation Office in Spokane, as directed. Mr. Remington again presented as honest and forthcoming. Mr. Remington submitted to urinalysis testing, which proved negative for all substances tested for and he denied any use of illicit substances or any continued use of alcohol. Mr. Remington indicated he had submitted to Breathalyzer testing as a part of his arrest, which he believed resulted in a .15 blood alcohol content.

On April 7, 2022, the affidavit for probable cause was received in this matter. According to the report, on April 3, 2022, at approximately 3:06 p.m., Mr. Remington's vehicle was observed by law enforcement to be traveling at a high rate of speed. The officer indicated his intent to stop the vehicle, but noted in his report that once the client observed him starting to pull out, the client instead simply pulled in next to him. The client apologized for his high rate of speed, and the officer indicated that he then smelled a "faint odor of intoxicants." Mr. Remington admitted to having ingested two beers, and the officer noted that his eyes appeared watery and bloodshot. The officer then chronicled the client's poor performance on numerous occasions during field sobriety testing, after which the client looked at the officer and stated that he was done. Mr. Remington was subsequently arrested.

The client indicated his willingness to provide a voluntary breath test, in which his initial results were a blood alcohol content of .248. Mr. Remington subsequently admitted to drinking throughout the day and exhibited difficulty in answering questions, to include not knowing what county he was in or what month it was. Mr. Remington subsequently consented to two additional Breathalyzer tests with the results being .217/.219 and .217/.222.

The report concludes, noting the officer's established probable cause to charge the client with driving under the influence. Mr. Remington's next scheduled court appearance in this matter is currently set for May 3, 2022, at 9 a.m.

2

**Standard Condition #7:** The defendant shall refrain from excessive use of alcohol.

**Supporting Evidence:** Mr. James Remington is alleged to have violated standard condition number 7 by drinking a "6 pack" of beer, and subsequently being arrested for the offense of driving under the influence on April 3, 2022.

Specifically, on April 4, 2022, the U.S. Probation Office received notification that the client had been arrested and detained in Okanogan County for the offense of driving under the influence. On April 5, 2022, Mr. Remington was contacted by phone and admitted to ingesting a "6 pack" of beer between the hours of 10 a.m. and 3 p.m., on April 3, 2022. Mr. Remington indicated that he did not feel as though had drank to excess or that he was impaired.

Upon traveling home on the day in question, Mr. Remington was contacted by law enforcement due to his observed high rate of speed, and after the client's failed field sobriety testing, he was arrested for the offense of driving under the influence. Mr. Remington later

Prob12C

**Re: Remington, James**

**April 8, 2022**

**Page 3**

admitted to drinking throughout the day, and submitted to breathalyzer testing with the initial result reflecting a blood alcohol content of .248. Upon the client's arrest and return to the Oroville Police Department, Mr. Remington voluntarily submitted to two additional Breathalyzer tests with the results reflecting as .217/.219 and .217/.222.

The report concludes that probable cause was established and indicated that the client was transported to the Okanogan County Jail on the day in question without incident.

The U.S. Probation Office respectfully recommends the Court **issue a SUMMONS** requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 8, 2022

s/Chris Heinen

Chris Heinen  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Thomas O. Rice  
United States District Judge

April 11, 2022

Date